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Oceans and the law of the sea: large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

Australia, Fiji, Marshall Islands, Micronesia (Federated States of), Namibia, New Zealand, Papua New Guinea, Samoa, Singapore, Solomon Islands, South Africa and United States of America: draft resolution

Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

The General Assembly,

Reaffirming its resolutions 52/29 of 26 November 1997, 51/36 of 9 December 1996, 49/118 and 49/116 of 19 December 1994 and 46/215 of 20 December 1991, as well as other relevant resolutions,

Taking note with appreciation of the report of the Secretary-General on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments,

Emphasizing the useful role that report plays in bringing together information relating to the sustainable development of the world's marine living resources, provided by States, relevant intergovernmental organizations, regional and subregional fisheries organizations, and non-governmental organizations,

Noting with satisfaction that, while significant work remains, interested parties have made real progress towards sustainable fisheries management,

Welcoming the progress in organizing new regional organizations and arrangements in several heretofore unmanaged fisheries

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Noting that the secretariat of the Food and Agriculture Organization of the United Nations stated that 60–70 per cent of world fisheries are either fully exploited or overfished, and encouraging the current intergovernmental negotiating process going on at the Food and Agriculture Organization of the United Nations to address the issue of fishing overcapacity,

Noting with concern the reports of continued loss of seabirds, particularly albatross, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks and finfish species, as a result of incidental mortality,

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's oceans and seas, consistent with the present resolution and with the duties of States to cooperate in the conservation and management of marine living resources, in accordance with the provisions of the United Nations Convention on the Law of the Sea,[2]

Once again expressing concern at the impact of large-scale drift-net fishing on the marine living resources of the oceans and seas, and noting that there are continuing reports of activities inconsistent with the terms of resolution 46/215,

Concerned also to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets which contravene the resolution,

Expressing concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States, and the continuing reports of unauthorized fishing activities, inconsistent with the terms of resolution 49/116, in zones of national jurisdiction,

Recalling that, pursuant to a proposal made at the twenty-second session of the Committee on fisheries of the Food and Agriculture Organization of the United Nations in March 1997, the Food and Agriculture Organization of the United Nations agreed to organize an expert consultation to develop and propose guidelines leading to a plan of action aiming at a reduction in the incidental catch of sea birds, to organize an expert consultation to develop and propose guidelines leading to a plan of action for the conservation and effective management of shark populations, and to hold a technical consultation on the management of fishing capacity to draft guidelines for the control and management of fishing capacities,

Noting with satisfaction that the Consultation on Management of Fishing Capacity, Shark Fisheries and the Incidental Catch of Sea Birds, held from 26 to 30 October 1998, and its preparatory meeting, held in July 1998, produced draft plans of action or elements thereof for approval at the February 1999 meeting of the Committee on Fisheries,

Recognizing the importance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks[3] and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and noting that neither of these agreements has yet entered into force,

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[2] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[3] A/CONF.164/37; see also A/50/950, annex I.

Noting that the Code of Conduct for Responsible Fisheries sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Recalling also that Agenda 21,[1] adopted at the United Nations Conference on Environment and Development, calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing vessels on the high seas,

Noting with satisfaction that "Oceans and seas" will be the sectoral theme discussed by the Commission on Sustainable Development at its seventh session, in 1999,

1. *Reaffirms*, the importance it attaches to sustainable management and conservation of the marine living resources of the world's oceans and seas, and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea, in particular, the provisions on cooperation set out in part V and part VII, section 2, of the Convention regarding straddling stocks, highly migratory species, marine mammals, anadromous stocks, and marine living resources of the high seas;

2. *Reaffirms* the importance it attaches to compliance with its resolutions 46/215, 49/116, 49/118 and 52/29, and urges States and other entities to enforce fully such measures;

3. *Requests* all participants to work for the adoption of the outcomes of the technical consultation of the Food and Agriculture Organization of the United Nations held in Rome from 26 to 30 October 1998, and encourages all States to act responsibly, as appropriate, at national, regional and global levels to implement the action plans or the guidelines, in particular those for the management of fishing capacity, once adopted by the Committee on fisheries;

4. *Calls upon* States and other entities referred to in article 1, paragraph 2 (b), of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks that have not yet ratified or acceded to the Agreement to consider doing so at the earliest possible time, and to consider applying it provisionally;

5. *Further calls upon* States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas that have not submitted instruments of acceptance of the Agreement to consider doing so at the earliest possible time;

6. *Urges* all authorities of members of the international community that have not done so to take greater enforcement responsibility to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed seas and semi-enclosed seas, and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of resolution 46/215,

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[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I, *Resolutions adopted by the Conference*, resolution 1, annex II.

7. *Calls upon* States that have not done so to take measures, including measures to deter reflagging to avoid compliance with applicable obligations, to ensure that fishing vessels entitled to fly their flags do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the State concerned and in accordance with the conditions set out in the authorization, and do not fish on the high seas in contravention of the applicable conservation and management rules;

8. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action, including through assistance to developing countries, to reduce by-catches, fish discards and post-harvest losses, consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

9. *Reiterates its call* on organizations with development assistance programmes to make it a high priority to support, including through financial and/or technical assistance, the efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for this purpose;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

11. *Also requests* the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated, that any duplication of activities and reporting is minimized, and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

12. *Further requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on further developments relating to the implementation of resolution 52/29, the status and implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and efforts undertaken in the Food and Agriculture Organization of the United Nations, referred to in paragraph 8 of resolution 52/29, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements, and other relevant intergovernmental and non-governmental organizations;

13. *Decides* to include in the provisional agenda of its fifty-fifth session, under the item entitled "Oceans and law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments".